

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

LUIS ALEJANDRO GARZA

VS.

THE UNITED STATES OF  
AMERICA

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CIVIL ACTION NO. B-02-154  
FEDERAL TORT CLAIMS ACT

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**EXHIBIT "2"**

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(Rev 03-28-2000)

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 03/25/2001

Date: 03/16/2001

To: Laboratory

Attn: FAVIAU  
Quantico, Virginia  
Holly Breault

From: Houston  
CCRA

Contact: SA Brian W. Ritter (361) 885-6712

Approved By: Mitchell Delmer RD

Drafted By: Ritter Brian W:bwr Am

Case ID #: 90A-HO-57715 - 21 (Pending)

Title: UNSUBS;  
LUIS ALEJANDRO GARZA - VICTIM,  
FELIPE CASTRO-ONTIVEROS - VICTIM;  
FEDERAL CORRECTIONAL INSTITUTION,  
THREE RIVERS, TEXAS;  
IFPI - CRIME OF VIOLENCE

Synopsis: Set Lead.

Reference: 90A-HO-57715 Serial 2

Administrative: Reference Lab# 010214256

Details: On 03/15/2001, writer sent a second video tape to FAVIAU examiner Holly Breault at her request under separate cover. An exam of the video is requested as set out in an EC to FAVIAU dated 02/09/2001. The video is a duplicate video made after a multiplexor isolated camera 8 from the other cameras.

Reviewed	Initials	Date
Reviewed	RD	3/16/01

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90A-HO-57715-21

To: Laboratory From: Houston  
Re: 90A-HO-57715, 03/16/2001

LEAD(s):

Set Lead 1:

LABORATORY

AT WASHINGTON, DC

- 1: Make a slow motion video of camera 8 from 7:05 p.m. to 7:10 p.m.
- 2: Print 8x10 images from camera 8 from 7:08:35 to 7:09:45.

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**FBI**  
**LABORATORY**  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Houston  
(Corpus Christi Resident Agency)

Date: June 22, 2001

Case ID No.: 90A-HO-57715 - 32  
Lab No.: 010214256 KP

Reference: Communication dated February 9, 2001

Your No.:

Title: UNSUBS;  
LUIS ALEJANDRO GARZA - VICTIM;  
FELIPE CASTRO-ONTIVEROS - VICTIM;  
FEDERAL CORRECTIONAL INSTITUTION,  
THREE RIVERS, TEXAS;  
IFPI - CRIME OF VIOLENCE

Date specimens received: February 14, 2001

Specimen:

Q1 One T-120 VHS video cassette tape marked in part "ECN 01-12"

Remarks:

The results of the Forensic Audio, Video and Image Analysis Unit examinations are included in this report.

Q1 and the processed video prints were forwarded to your office under separate cover via Federal Express on March 23, 2001.

Page 1 of 1

*RDA RJA*  
*Bc/ATW 10/22/01*  
This Report is Furnished for Official Use Only

*90A - 440 - 57715 - 32*

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(Rev 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/07/2001

To: Houston

From: Houston  
CCRA

Contact: SA Brian W. Ritter

Approved By: Mitchell Delmer R *MD*

Drafted By: Ritter Brian W: bwr *BWR*

Case ID #: 90A-HO- *57715*

Title: UNSUBS;  
LUIS ALEJANDRO GARZA - VICTIM,  
FELIPE CASTRO-ONTIVEROS - VICTIM;  
FEDERAL CORRECTIONAL INSTITUTION,  
THREE RIVERS, TEXAS;  
IFPI - CRIME OF VIOLENCE

Synopsis: Open and assign.

Details: On 02/06/2001 at approximately 7:08 p.m. at the Federal Correctional Institution (FCI) in Three Rivers, Texas, an aggravated assault occurred in the Recreation Area in which two inmates were critically injured. The two victims were airlifted from the FCI to Spohn Memorial Hospital in Corpus Christi, Texas.

Investigation is in the process of identifying subjects involved in the aggravated assault with the assistance of inmate witnesses and FCI video surveillance tape. On 02/07/2001, Department of Public Safety Crime Lab personnel from Corpus Christi processed the crime scene and collected evidence to include weapons used in the assault. Interviews of known subjects and witnesses are scheduled to begin on 02/08/2001.

It is requested that captioned investigation be opened and assigned

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*02A 90A-HO-57715*  
*SA RITTER*  
*2/7/01*  
*5-9, CAP Murel!*  
*D*

*2/7/01*

*02A-HO-57715-1*

*02/07/2001*

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- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/09/2001

LUIS GARZA, (Victim) inmate #92434-079, Federal Correctional Institution, Three Rivers, Texas was interviewed at the Spohn Memorial Hospital, Intensive Care Unit, Corpus Christi, Texas. After being advised of the identity of the interviewing Agent and the nature of the interview, GARZA provided the following information:

GARZA advised that at the time he was initially assaulted, he was walking near the stationary bicycles toward the free weight area when he was jumped by an unknown number of inmates. He was unable to recall any details of the assault after he was first jumped. GARZA did not know that he was found against the wall directly under the free weight video surveillance camera after the assault. He stated that he was preparing to clean the free weight cage up and then go to church. He could not think of any reason he was assaulted or what was used to assault him. He was not able to identify any of his assailants. GARZA stated that he is not part of any gang and has never been threatened about joining a gang.

GARZA allowed investigating Agent to take several photographs of the injuries to his head. He advised that he is scheduled to receive surgery for his injuries on February 9, 2001. GARZA advised that as time goes by, he will attempt to provide any details if he is able to remember them.

Investigation on 02/08/2001 at Corpus Christi, Texas

File # 90A-HO-57715 -5 Date dictated 02/08/2001

by SA BRIAN W. RITTER *BR*

*040612 CL*  
This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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(Rev 08-28-2000)

## FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 02/09/2001

To: Laboratory

Attn: FAVIAU  
Quantico, Virginia  
Program Manager Dale Linden

From: Houston

Corpus Christi Resident Agency  
Contact: SA Brian W. Ritter (361) 885-6712Approved By: Mitchell Delmer R *MD*Drafted By: Ritter Brian W:bw *BW*Case ID #: 90A-HO-57715 *2* (Pending)Title: UNSUBS;  
LUIS ALEJANDRO GARZA - VICTIM,  
FELIPE CASTRO-ONTIVEROS - VICTIM;  
FEDERAL CORRECTIONAL INSTITUTION,  
THREE RIVERS, TEXAS;  
IFPI - CRIME OF VIOLENCE

Synopsis: Set Lead.

Administrative: Reference telephone call on 02/09/2001 from  
Special Agent Brian W. Ritter, Houston Division to Program  
Manager Dale Linden, FAVIAU.Enclosure(s): Enclosed for Laboratory is the original video  
surveillance tape obtained from the Federal Correctional  
Institution in Three Rivers, Texas.Details: On 02/06/2001 at 7:08 p.m., a gang assault took place  
at the Federal Correctional Institution in Three Rivers, Texas.  
A video surveillance tape was obtained that documents one of the  
assaults that occurred. The tape documented approximately thirty  
inmates assaulting one inmate.

The prison uses a Digital Video Multiplexor. The

camera that captured the assault at 7:08 p.m. the assault was  
over at 7:09 p.m. Camera 7 is a moving camera that also covers  
the location of the assault for a few seconds.Prior to the tape being removed from equipment, it  
reached the end of the tape and automatically rewound and started

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Uploaded by	<i>Q</i>	2/9/01
Serial #	<i>2</i>	

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90A-HO-57715-2

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To: Laboratory From: Houston  
Re: 90A-HO-57715, 02/09/2001

to record again. This process did not interrupt the recording of the assault.

All of the subject inmates are Mexican Nationals. Some have pending release dates in a few months. This tape is the only solid evidence as to their participation in the assault. The prison is also concerned about identifying inmates involved for security reasons.

Thus, it is requested that results of the lead be submitted back to the Corpus Christi Resident Agency no later than 03/16/2001.



To: Laboratory From: Houston  
Re: 90A-HO-57715, 02/09/2001

LEAD(s) :

Set Lead 1:

LABORATORY

AT QUANTICO, VIRGINIA

The following is requested:

- 1: Make a slow motion video of Camera 8 from 7:05 p.m. to 7:10 p.m.
- 2: Print 8X10 images from Camera 8 from 7:08:35 until 7:09:45.
- 3: Make a slow motion video of Camera 7 from 7:05 p.m. to 7:10 p.m.

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REMARKS &amp; WITNESSES:

CHAIN OF CUSTODY

[illegible]

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-51	02/06/2001	I-0682	02/06/2001	

NotesItem

CLOTHING BELONGING TO BENITEZ-O., #49595-198

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-52	02/06/2001	I-0682	02/06/2001	

NotesItem

8MM TAPE OF REC YARD INCIDENT

## Evidence Roster

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-12	02/06/2001	I-0682	02/07/2001	02/08/2001

Notes

RELEASED TO S/A RITTER, FBI

Item

VIDEO TAPE OF REC YARD ASSAULT

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-16	02/06/2001	I-0682	02/07/2001	

NotesItem

CLOTHING BELONGING TO RODRIGUEZ #05592-196

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-17	02/06/2001	I-0682	02/07/2001	

NotesItem

CLOTHING BELONGING TO CASTRO #25117-107

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-18	02/06/2001	I-0682	02/07/2001	

NotesItem

CLOTHING BELONGING TO JAIME #89539-079

<u>RU</u>	<u>Control No.</u>	<u>Case Date</u>	<u>Case</u>	<u>Acquired</u>	<u>Released</u>
TRV	01-19	02/06/2001	I-0682	02/06/2001	

Notes